

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Mary Kay Inc.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:11-cv-972-TLW-SVH
)	
Leslie Ayres, individually and d/b/a)	
Your Little Make Up Shoppe and)	
d/b/a My Little Make Up Shoppe,)	
)	
Defendant.)	
_____)	

ORDER

On April 25, 2011, the plaintiff, Mary Kay Inc. (“plaintiff”), filed this civil action. (Doc. # 1). On June 8, 2011, this Court signed an Order, which granted the plaintiff’s motion for a preliminary injunction. (Doc. # 9). After the defendant, Leslie Ayres, individually and d/b/a Your Little Make Up Shoppe and d/b/a My Little Make Up Shoppe (“defendant”), failed to answer or otherwise file a responsive pleading, the plaintiff moved for a default judgment and an award of attorneys’ fees and other costs. (Doc. # 12). Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), the default judgment motion was referred to United States Magistrate Judge Shiva V. Hodges for a Report and Recommendation. (Doc. # 13).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this motion had previously been assigned. (Doc. # 16). On August 31, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the motion for default judgment and award of attorneys’ fees and other costs

be granted. (Doc. # 16). Neither party filed objections to the Report. Objections were due on September 19, 2011. Notably, the defendant has not objected to the relief recommended by the Magistrate Judge in the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 16). For the reasons articulated by the Magistrate Judge, the plaintiff's motion for default judgment and award of attorneys' fees and other costs (Doc. # 12) is **GRANTED**. Default judgment is hereby entered against the defendant, making the defendant liable for willful trademark infringement pursuant to 15 U.S.C. § 1125(a). The plaintiff is awarded judgment against the defendant in the amount of \$16,671.30, which represents \$16,078 in attorneys' fees pursuant to 15 U.S.C. § 1117 and \$593.30 in costs. The Court also hereby enters a permanent injunction against the defendant pursuant to 15 U.S.C. § 1116. The terms of the injunction are set forth in the Magistrate Judge's Report. (Doc. # 16). Additionally, the defendant is ordered to deliver to the plaintiff, within thirty (30) days after service of this Order, all labels, signs, prints, packages, wrappers, receptacles, and advertisements in the defendant's possession that include any of the plaintiff's registered marks. Finally, the defendant is directed to serve upon the plaintiff a report in writing and under oath setting forth in

detail the manner and form in which the defendant has complied with the terms of the injunction ordered herein. Said report shall be served upon the plaintiff within thirty (30) days after the entry and service on the defendant of the injunction ordered herein.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

October 26, 2011
Florence, South Carolina